

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)  
018781-003310US

First named inventor: Leping Li

Application No.: 09/479,315

Art Unit: 1626

Filed: January 6, 2000

Title: LXR MODULATORS

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$1280 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Missing Parts (identify type of reply):

has been filed previously on \_\_\_\_\_ .

is enclosed herewith.

## B. The issue fee of \$ \_\_\_\_\_

has been paid previously on \_\_\_\_\_ .

is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

11-22-02

Date

William B. Kezer

Signature

Telephone

Number: (925-472-5015)

William B. Kezer

Typed or printed name

Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

Address

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other Statement

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11/22/02

Date

Jennifer K. Hardin

Signature

Jennifer K. Hardin

Typed or printed name of person signing certificate

[Page 2 of 2]

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Washington, D. C. 20231  
On November 22, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Jennifer K. Hardin

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Leping Li

Examiner:

Application No.: 09/479,315

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Filed: January 8, 2000

DEC 03 2002

For: LXR MODULATORS

Art Unit:

**OFFICE OF PETITIONS**

STATEMENT UNDER 37 CFR § 1.137(b)

BOX DAC

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants petition to revive the above-identified application under 37 CFR § 1.137(b). The application was unintentionally abandoned for failure to file a Response to the Notice to File Missing Parts. Applicants never received the Notice to File Missing Parts from the Patent Office. Applicants received a copy of the Notice by facsimile from the PTO on August 12, 2002 (copy enclosed), although the original was dated 02/22/00. The mailing date of the Notice of Abandonment is 08/14/02 (copy enclosed). Upon receipt of the Notice of Abandonment, the undersigned forwarded the necessary formal documents to the client for execution and submission in response to the Notice to File Missing Parts.

The entire delay, including the delay from the due date for reply through the date of this Petition was unintentional. A Response to the Notice to File Missing Parts of Application is forwarded with this Statement.

Applicants and the undersigned believe the entire delay was unintentional and request favorable consider of this Petition.

CONCLUSION

If the Examiner believes a telephone conference would expedite consideration and revival of this application, please telephone the undersigned at 925-472-5015.

Respectfully submitted,



William B. Kezer  
Reg. No. 37,369

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